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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

MATTHEW GORDON CASAMAJOR,

Defendant and Appellant.

C060414

(Super. Ct. Nos.
CM027010, CM028531)

In May 2007, a Chico police officer stopped defendant Matthew Gordon Casamajor, while defendant was driving his truck. Learning defendant was subject to probation search, the officer ordered defendant out of his truck and frisked him. After smelling marijuana on defendant, the officer searched the truck and found marijuana. Law enforcement authorities found a shotgun in the truck in the course of a later inventory search.

Defendant has a prior felony conviction in Lassen County (case No. CR021427) for possession of a controlled substance. (Health & Saf. Code, § 11377, subd. (a).) He was initially granted probation, but in April 2008, the Lassen County court

revoked probation and sentenced defendant to three years in prison.

In Butte County case No. CM027010, defendant entered a no contest plea to possession of a firearm by a felon (Pen. Code, § 12021, subd. (a)(1); undesignated statutory references that follow are to the Penal Code) and admitted the prior Lassen County conviction.

In October 2007, defendant was found in possession of a shotgun while hunting. He later admitted the Lassen County conviction and entered a guilty plea to felon in possession of a firearm in Butte County case No. CM028531.

The Butte County court imposed a stipulated prison term of four years four months, designating the three-year term in the Lassen County prior conviction as the principal term, with consecutive eight-month terms for the felon in possession of a firearm counts in Butte County case Nos. CM027010 and CM028531. The court imposed various fines and fees and awarded 281 days' credit (145 days' prison custody, 92 days' local time and 44 days' conduct credit).

Defendant appeals. He has not obtained a certificate of probable cause.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel

of the right to file a supplemental brief within 30 days of the date of filing of the opening brief.

Defendant filed a supplemental brief contending that his guilty plea in the Lassen County prior conviction was invalid due to ineffective assistance of counsel.

Under section 1237.5, "[o]ther than search and seizure issues which are specifically made reviewable by section 1538.5, subdivision (m), all errors arising prior to entry of a guilty plea are waived, except those which question the jurisdiction or legality of the proceedings resulting in the plea." (*People v. Kaanehe* (1977) 19 Cal.3d 1, 9.) Defendant cannot use the appeal of his guilty plea to contest the validity of a prior conviction. (*People v. LaJocies* (1981) 119 Cal.App.3d 947, 956-957.) He therefore cannot attack the prior Lassen County conviction in this appeal of his Butte County convictions.

The fact that the Butte County court resentenced defendant on his Lassen County conviction does not change the analysis. Under the determinate sentencing law, "when a defendant is sentenced consecutively for multiple convictions, whether in the same proceeding or in different proceedings, the judgment or aggregate determinate term is to be viewed as interlocking pieces consisting of a principal term and one or more subordinate terms. (§ 1170.1, subd. (a).)" (*People v. Begnaud* (1991) 235 Cal.App.3d 1548, 1552.) "Under that approach the longest sentence imposed for any of the crimes becomes the principal term." (*People v. Bozeman* (1984) 152 Cal.App.3d 504, 507.)

In accordance with the plea agreement and the determinate sentencing law, the trial court designated the Lassen County sentence as the principal term and the Butte County sentences as subordinate terms. This does not allow defendant to use the appeal of his current convictions to attack his prior Lassen County conviction.

Having undertaken an examination of the entire record, we find no arguable error in favor of defendant.

DISPOSITION

The judgment is affirmed.

HULL, J.

We concur:

SCOTLAND, P. J.

ROBIE, J.